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PRAMOD ARORA
5144 PINCKNEYA DRIVE
NORTH ROYALTON, OH 44133

In re Application of
Arora, et al.
Application No. 09/887,661
Filed: August 3, 2001
Title: COMPOSITION WITH FILM
FORMING ALKYLSILSESQUIOXANE
POLYMER AND METHOD FOR APPLYING
HYDROPHOBIC FILMS TO SURFACES

LETTER

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APR 19 2002

OFFICE OF PETITIONS

Dear Mr. Arora:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Flanagan Ball
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Jones, Day, Reavis and Pogue
North Point
901 Lakeside Avenue
Cleveland, OH 44114



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Paper No. 8

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DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(a)

This is a decision on the "Petition Under 37 C.F.R. 1.47(a)," filed January 23, 2002.

The petition is **GRANTED**.

The above-identified application was filed on August 3, 2001 without an executed oath or declaration, but named Pramod Arora and Brij Singh as joint inventors. Accordingly, on October 9, 2001, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, and a surcharge for late filing. This Notice set a period for reply of two months from the mailing date of the notice.

On January 23, 2002, (certificate of mailing November 14, 2001), applicant responded filing a copy of a petition under §1.47(a) that applicant maintains was originally filed on August 1, 2001 (certificate of mailing date); a declaration for patent application signed by joint inventor Singh on behalf of himself and on behalf of non-signing inventor Arora; and payment of the surcharge for late filing.

Rule 47 applicant maintains that status under 37 C.F.R. §1.47(a) is proper because joint inventor Pramod Arora refuses to join in the application for patent. A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after

having been presented with the application papers. On petition, patent attorney H. Duane Switzer provides the last known address of inventor Arora and states that the inventor has been presented the application papers by certified mail and has refused to sign the declaration. Attorney Switzer has made of record a copy of the certified mail letter transmitting all of the application papers to the inventor, as well as, a copy of a letter from inventor Arora acknowledging receipt of the application papers and expressing his intent not to join in the application.

The declaration filed January 23, 2002, and the petition have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1762 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy